IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

IN RE Purported Criminal Complaint)
Presented by Angela Gilmore and) Case No. 13-MC-00109-KGG
Ricky Lynn Schmidt on behalf of the United)
States.)

MEMORANDUM AND ORDER DECLINING PRESENTATION OF CRIMINAL COMPLAINT

Before the Court is a purported Criminal Complaint (attached hereto as an exhibit) to be filed on behalf of the United States against two named defendants. Angela Gilmore and Ricky Schmidt, two private persons, appear to present a purported Criminal Complaint to be filed on behalf of the United States, pursuant to Rule 3 of the Federal Rules of Civil Procedure. Neither Ms. Gilmore nor Mr. Schmidt are attorneys representing the United States, the named plaintiff. The Court held a hearing with Ms. Gilmore and Mr. Schmidt on the record to receive their presentation of the Complaint.

Federal Courts do not have jurisdiction over criminal cases unless they are prosecuted by the United States Attorney. *Faust v. Defazio*, 2012 WL 5064484, Case No. 12-11673-NMG, 12-11674-NMG (D. Mass. October 17, 2012). *See also United States v. Panza*, 381 F.Supp. 1133 (W.D. Pa. 1974)(and cases cited therein). *See also* 28 U.S.C. 516 (litigation on behalf of the United States generally reserved to the Attorney General) and 28 U.S.C. 547 (United States Attorney to prosecute cases on behalf of the United States).

The presentation of the Complaint is declined. The Complaint may not be filed. No warrant may issue. The case is ordered CLOSED.

IT IS SO ORDERED.

DATED at Wichita, Kansas, on this 12th day of July, 2013.

S/KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge